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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,173	10/04/1999	MICHAEL H. COHEN	03932.P006X	9303

7590

05/25/2004

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EXAMINER--
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OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 05/25/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/412,173

Applicant(s)

COHEN ET AL.

Examiner

Michael N. Opsasnick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-27,30,31,33,34,36-40,42,45,46 and 50-60 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 24-26,50 and 52-59 is/are allowed.
- 6) ☒ Claim(s) 27,31,33,34,36-40,42,45,46 and 60 is/are rejected.
- 7) ☒ Claim(s) 30 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 24-26,50,52-59 are allowable over the prior art of record.
2. Claims 30 and 51 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 30 and 51 depend from claims that have been canceled by the applicant. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27,31,33,34,36-40,42,45,46 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al (6493671) in view of Imielinski et al (6240448).

As per claims 27,33,34,45,46 and 60, Ladd et al (6493671) teaches providing user information into a speech enabled system (abstract, col. 15 lines 30-45)), with applications leading to a network (Fig. 3 & 4). Ladd et al (6493671) also teaches a method of facilitating interaction between a human user and a processing system, the method comprising (as voice recognition interactive computer system (col. 11 lines 10-36): “receiving.....processing system” as receiving input speech an information (col. 11 lines 30-33); “using the information.....processing system” as using the recognized speech to determine which URL, IP, or page request to go to (col. 11 lines 30-35)); Ladd et al (6493671) also teaches “using the information to optimize.....processing system” as using an interpreter, parser, to interpret the voiced request (col. 11 line 35 – col. 15 lines 15); Ladd et al (6493671) teaches reducing the amount of speech input to the browser (col. 15 line 61 – col. 6 line 9). Furthermore, Ladd et al (6493671) teaches a dialog between the user and the speech enabled site wherein the site responds to the user’s speech (col. 16 lines 1-48) and teaching a second dialog to improve upon the first dialog (col. 16 lines 1-19; col. 17 lines 5-29; col. 19-26).

Ladd et al (6493671) does not explicitly teach using the application in a plurality of interconnected speech enabled sites, however, Imielinski et al (6240448) teaches spoken command, audio enabled, web pages (abstract), and web servers interacting with the user, and other speech enabled sites. Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition commands to expand the system of Ladd et al (6493671) to included multiple interconnected speech enabled sites because it would

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advantageously allow the applications to be used in a multiple user setup that could handle different types of interfaces (Imielinski et al (6240448) col. 2 lines 20-61).

As per claim 27, the combination of Ladd et al (6493671) in view of Imielinski et al (6240448) teaches the server system selectively providing speech enable sites with access to information about users of the speech enable sites (Imielinski et al (6240448), fig. 3, the audio web manager controls the interpretation of audio enabled pages based on user profiles -- subblocks 54,56, and 62; accessing of data files – fig. 4; col.3 lines 25-55; col. 4 lines 58-65; col. 6 lines 45-52; col. 8 lines 34-55; and password access -- col. 5 lines 30-38). Imielinski et al (6240448) also teaches selectively providing the plurality of interconnected speech enabled sites (col. 2 lines 30-60, col. 6 lines 25-50)

As per claims 40, Imielinski et al (6240448) teaches a voice browser for speech audio applications (col. 2 lines 29-61)

As per claim 42, Imielinski et al (6240448) teaches the server containing information about the user (col. 2 lines 44-61)

As per claim 31, Imielinski et al (6240448) teaches brokering the information with respected to the speech enable sites (col. 6 lines 23-52; examiner points to the multiple references in Imielinski teaching user access to informational web sites -- col. 4 line 60 – col. 5 line 4; these websites being used by the user, however, containing

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databases saving user information → col. 5 line 45 – col. 5 lines 60, in the user dependent directory; it is well known in the art that these websites sell or ‘broker’ user information; as an example of prior art brokering information, see Saylor et al, 6501832, col. 6 line 65 – col. 7 line 3).

As per claims 36,37, Imielinski et al (6240448) teaches server based verification access (col. 5 lines 29-40)

As per claims 38 and 39, Imielinski et al (6240448) teaches directly contacted speech enabled sites on a network (col. 6 lines 45-53).

### ***Response to Arguments***

4. Applicant's arguments filed 9/9/2003 have been fully considered but they are not persuasive. As per applicants' arguments with respect to claim 27, examiner argues that the applicants arguments, as applied to claim 24, now applied to claim 27, are rendered moot since these arguments pertain to a second speech dialog and a reduced number of dialog states, which is not claimed in claim 27. Furthermore, as per claim 27 arguments, examiner notes that claim 27 pertains to user information being used in spoken dialogs, and hence the user information is speech specific, which is taught by the Ladd system (As presented above, and furthermore, col. 10 lines 45-50, wherein the information stored is based on user's information, user's speech vocabularies, and user entered data). As per claim 31 arguments, examiner repeats the recitation

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to Imielinski et al (6240448) teaching user access to informational web sites (which implies using a browser), as noted above. Furthermore, as per claim 31, as well as claim 45, applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-893 form.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

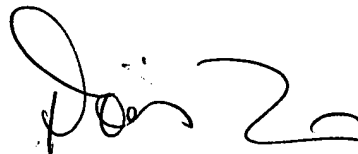
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

5/15/2004



**DORIS H. TO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**